

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SUSIE ZAPATA AND MONICA GARCIA,

Plaintiffs,

v.

Case No. 1:21-CV-00083-MV-JFR

LEON MARTINEZ, ROBERTA LUCERO-ORTEGA,

Defendants.

DEPOSITION OF

ARTHUR SANCHEZ

January 11, 2022

9:00 a.m.

500 4th Street, NW Suite 105
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL PROCEDURE,
this deposition was:

TAKEN BY:

STEVEN ROBERT ALLEN
ATTORNEY FOR PLAINTIFF

REPORTED BY:

EDWINA CASTILLO, CCR #407
PAUL BACA COURT REPORTERS
500 4th Street, NW Suite 105
Albuquerque, New Mexico 87102

Exhibit P

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1 before this deposition?

2 A. Yes.

3 **Q. Tell me, just tell me broadly like what's**
4 **going on here. What are these documents about?**

5 MS. PULLEN: Objection to form.

6 MS. MOULTON: Same objection.

7 A. From what I see, the first one, that
8 Exhibit 5, it's correspondence, I guess an e-mail, I
9 don't know to, let's see, she's referring to
10 Mr. Orona's inspection, which is Block 39, and then
11 he puts on there, I think, that's New Mexico food
12 code for that discrepancy.

13 **Q. Uh-huh.**

14 A. Mice droppings present in tool storage
15 area. Corrective action request was asked the same
16 day which we took care of it that day. Mr. Orona
17 asked me, we took care of it on site.

18 And then it goes on to where I
19 refused to clean it and that wasn't the case.
20 Inside the kitchen area working at the time was a
21 biohazard certified worker and I stated that it
22 could be taken care of in-house because she was bio
23 certified, that's why she took the bio
24 certification.

25 And then it goes on that Beavers

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1 information on Exhibit 5?

2 A. No. I remember the incident itself about
3 Ms. Beavers because I remember certifying her and
4 her requesting to get certified or whatever, and I
5 remembered the actual conversation we had that I
6 can -- you can have Ms. Beavers clean it because she
7 was bio certified.

8 And then, you know, I wasn't aware of
9 the whole food preparation, cross- -- I know what
10 cross-contamination is, but from what I understood
11 Ms. Beavers was one of the cleaners in the kitchen,
12 so she was responsible for kind of cleanliness of
13 the kitchen area, that's why I had asked her to do
14 it.

15 **Q. I see. Why does someone need to be**
16 **biohazard certified to address this?**

17 A. They don't. They feel more comfortable
18 because I'm not biohazard certified. It's just --
19 you don't have to be biohazard certified to clean
20 mouse feces as long as you're wearing PPE, gloves,
21 face mask, probably eye protection because they're
22 using chemical. You don't have to be bio certified,
23 it's just population preferred to get bio certified
24 because it paid if they were doing biohazard, it
25 paid more than any job on the facility.

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1 couldn't do it because she was working with food.
2 I wasn't aware she was working with food. I simply
3 said that Beavers was biohazard certified and I
4 believe in the long run, I ended up cleaning it. My
5 porters did take care of the instant after it was
6 addressed to me that Ms. Beavers was working with
7 food as a cross-contamination with her, but I
8 believe from what I recall we ended up taking care
9 of it ourselves with my porters.

10 And then the job order, I mean, I
11 don't know. I don't see these. These go to
12 maintenance, so the first time I saw this was last
13 night.

14 **Q. Okay. Was this communication between**
15 **Ms. Estevan and the Warden at the time, had you seen**
16 **this before?**

17 A. Which one, the Exhibit 5?

18 **Q. Yes, Exhibit 5.**

19 A. I hadn't seen it until last night. When I
20 printed it last night was the first time seeing
21 this.

22 **Q. Did you recall, and I recognize this is**
23 **quite a long time ago at this point, but did you**
24 **recall having a conversation either with Ms. Estevan**
25 **or the Warden at the time about this, the**

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1 So it was kind of like an incentive
2 plus it goes into their files as a certification.
3 And it's, I guess, like a job skill.

4 **Q. I see.**

5 A. It benefits the population.

6 **Q. Okay. Am I understanding from earlier in**
7 **our conversations is at least on a couple of**
8 **occasions, you cleaned up mouse droppings yourself;**
9 **is that correct?**

10 A. Yes, sir.

11 **Q. And so you mention protective equipment to**
12 **do that. Did you use protective equipment yourself**
13 **when you cleaned it up?**

14 A. Rubber latex gloves, face mask, and eye
15 protection, yes, sir.

16 **Q. And was that true every time that you**
17 **cleaned up mouse droppings you used that protective**
18 **equipment?**

19 A. Yes.

20 **Q. And do you know, was that equipment**
21 **provided to inmates when they were cleaning up mouse**
22 **droppings?**

23 A. Yes.

24 **Q. It was?**

25 A. Yes.

25 (Pages 94 to 97)